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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,669

11/18/2003

Jerome Glasser

4813

40232

7590

03/24/2008

JEROME GLASSER  
16 SUNSET TERRACE  
MAPLEWOOD, NJ 07040

EXAMINER

SANDY, ROBERT JOHN

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10715669	11/18/03	GLASSER, JEROME	

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16 SUNSET TERRACE  
MAPLEWOOD, NJ 07040

**EXAMINER**

Robert J. . Sandy

ART UNIT	PAPER
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3677	20080318
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See Attached Notice of Non-Responsive Amendment.

Robert J. Sandy  
Primary Examiner  
Art Unit: 3677

### **Notice of Non-responsive Amendment**

The replies filed on 08/13/2007 (Request for Continued Prosecution) and 11/23/2007 (response to the Notice of Non-Compliant Amendment mailed 12/23/2007) are not fully responsive to the prior final Office action mailed 04/12/2007 and the Notice of Non-Compliant Amendment mailed 12/23/2007, because of the following omission(s) or matter(s):

Applicant's replies fail to present arguments pointing out the specific distinctions believed to render at least each independent claim, including any newly presented claims (i.e., new claims 44-48), patentable over any applied references.

Applicant's replies further fails to address to every ground of objection and rejection in the prior final Office action mailed 04/12/2007. Applicant has failed to reply to each of the claim objections, double patenting, objections to the specification, and claim rejections under 35 USC §112, as set forth in the prior final Office action.

The replies do not comply with 37 CFR §1.111, which requires:

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from thereferences does not comply with the requirements of this section.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Art Unit: 3677

Also, to note to applicant, a communication labeled “DATED AUGUST 13, 2007 “RCE”-RELATED PRELIMINARY AMENDMENT and received on 03/05/2008, constitutes a supplemental amendment to the amendment filed 11/23/2007, which has not been approved for entry, because supplemental replies are not entered as a matter of right except as provided in 37 CFR 1.111(a)(2)(ii). The supplemental reply is clearly not limited to: the cancellation of claims; placement of the application in condition for allowance; reply to an Office requirement made after the first reply was filed; correction of informalities ( e.g., typographical errors); or the simplification of issues for appeal.

Also, to note to applicant, a drawing sheet was received with papers filed on 08/13/2007, in which was labeled “APPENDIX “A”” with the text of “Device of this disclosure shaped as "peace sign"; Display Items are in gray;” has not been approved for entry. The papers filed with the drawing sheet did not include any instruction of remark pertaining to the drawing sheet.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3677

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vic Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J. Sandy/  
Primary Examiner, Art Unit 3677

Robert J. Sandy  
Primary Examiner  
Art Unit 3677

### Appendix

#### **37 CFR § 1.111 Reply by applicant or patent owner to a non-final Office action.**

(a)

(1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.

(2) A second (or subsequent) supplemental reply will be entered unless disapproved by the Director. A second (or subsequent) supplemental reply may be disapproved if the second (or subsequent) supplemental reply unduly interferes with an Office action being prepared in response to the previous reply. Factors that will be considered in disapproving a second (or subsequent) supplemental reply include:

(i) The state of preparation of an Office action responsive to the previous reply as of the date of receipt (§ 1.6) of the second (or subsequent) supplemental reply by the Office; and

(ii) The nature of any changes to the specification or claims that would result from entry of the second (or subsequent) supplemental reply.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

[46 FR 29182, May 29, 1981; para. (b) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (a) and (c) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a)(2) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]